

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

SHEILA LYNN KNOP LaPLANT,

Civil No. 13-1292 (DWF/TNL)

Plaintiff,

v.

REPORT AND RECOMMENDATION

AMCAP MORTGAGE & FINANCIAL, INC.,
WELLS FARGO BANK, N.A., and
SHAPIRO & ZIELKE, LLP,

Defendants.

Plaintiff commenced this action by filing a pro se complaint and an application for leave to proceed in forma pauperis ("IFP"). (Docket Nos. 1 and 2.) The Court previously examined Plaintiff's submissions and determined that her complaint failed to state an actionable claim for relief. Therefore, in an order dated June 26, 2013 (Docket No. 4), the Court informed Plaintiff that her IFP Application would not be granted "at this time." That order gave Plaintiff an opportunity to file an amended complaint and it expressly advised her that if she did not file a new pleading by July 31, 2013, the Court would recommend that this action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

The deadline for filing an amended complaint has now expired, and Plaintiff has not complied with the Court's prior order or offered any excuse for her failure to do so. Indeed, Plaintiff has not communicated with the Court at all since she commenced this action more than two months ago. Therefore, the Court will now recommend, in accordance with the prior order, that this action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). See Henderson v. Renaissance Grand Hotel, 267 Fed.Appx. 496, 497 (8th Cir. 2008)

(unpublished opinion) (“[a] district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order”); see also Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962) (recognizing that a federal court has the inherent authority to “manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases”).

Having determined that this action should be summarily dismissed, the Court will also recommend that Plaintiff’s pending IFP application be denied.

[Continued on next page.]

Based upon the above, and upon all the records and proceedings herein, **IT IS**
HEREBY RECOMMENDED that:

1. Plaintiff's Application To Proceed In Forma Pauperis (Docket No. 2) be
DENIED; and
2. This action be **DISMISSED WITHOUT PREJUDICE**.

Dated: August 19, 2013

s/ Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge

Knop LaPlant v. AMCAP Mortgage & Financial, Inc.
File No. 13-cv-1292 (DWF/TNL)

Pursuant to Local Rule 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court and by serving upon all parties written objections that specifically identify the portions of the Report to which objections are made and the basis of each objection. This Report and Recommendation does not constitute an order or judgment from the District Court and it is therefore not directly appealable to the Circuit Court of Appeals. Written objections must be filed with the Court before **September 20, 2013**.